

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

HENRY L. JONES,

Plaintiff,

v.

No. 3:16-cv-3050
Honorable Linda V. Parker

BRUCE WESTBROOKS, et al.

Defendants.

MEMORANDUM OPINION

Plaintiff is an inmate at the Riverbend Maximum Security Institution in Nashville. He brings this action pro se pursuant to 42 U.S.C. § 1983 against the following Defendants: Bruce Westbrook, Warden of Riverbend; Candace Whisman, Director of Inmate Trust Fund Accounts for the Tennessee Department of Correction; Jane Lovell, Director of Inmate Trust Fund Accounts at Riverbend; and Warren Tate, a Counselor at Riverbend. In his Complaint, Plaintiff seeks to stop the withdrawal of funds from his inmate trust account and to recoup funds already withdrawn, arguing that the funds were assessed pursuant to a conviction that was overturned in April 2014.¹

¹ Plaintiff does not set forth a statutory basis for his claims in his Complaint. He is attempting to attach liability for the loss of property by Defendants who were acting under color of state law. Therefore, the Court construes this action as being brought pursuant to 42 U.S.C. § 1983.

Plaintiff's conviction in fact was overturned. *State v. Jones*, 450 S.W.3d 866 (Tenn. 2014). However, a review of the Shelby County court website reflects that Plaintiff was retried and convicted in May 2015. *See* <https://cjs.shelbycountyttn.gov>. Plaintiff's appeal of that conviction is pending before the Tennessee Court of Appeals. *State v. Jones*, No. W2015-02210-CCA-R3-DD (Tenn. Ct. App. filed Nov. 20, 2015).

Absent a reversal of his convictions, Plaintiff is not entitled to the relief sought in this civil action. When a prisoner plaintiff fails to state a claim, the Court is obliged to dismiss his complaint sua sponte. 28 U.S.C. § 1915(e)(2). Accordingly, an appropriate order will be entered dismissing this action.

s/ Linda V. Parker
LINDA V. PARKER
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION

Dated: June 30, 2017